

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
MERRILL LYNCH INTERNATIONAL,

Plaintiff,

-vs-

XL CAPITAL ASSURANCE INC., et al.,

Defendants.  
----- x

XL CAPITAL ASSURANCE INC., et al.,

Counterclaimants,

- vs -

MERRILL LYNCH INTERNATIONAL AND  
MERRILL LYNCH & CO., INC.,

Counterclaim Defendants.  
----- x

: 08 CV 2893 (JSR)

:  
: **STIPULATION OF**  
: **DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED that the above-captioned action,  
including the complaint and counterclaims, be and hereby are DISMISSED WITH PREJUDICE  
and without costs to any party pursuant to Federal Rule of Civil Procedure 41(a).

Dated: New York, New York  
August 8, 2008

  
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